

### **REMARKS**

This communication is in response to the Office Action mailed June 2, 2009.

As the Examiner suggests, Applicant has amended claim 1 to include the phrase “operating in the time domain” at the end of claim 1. The obviousness rejection of claims 1 and 11 has thus been fully addressed.

Applicant also submits herewith a Terminal Disclaimer to address the nonstatutory obviousness-type double patenting rejection of claims 1 and 11 over claim 9 of US Patent No. 7,474,102. It is noted that the terminal disclaimer is filed simply to serve the function of removing the rejection of double patenting, and Applicant does not admit the propriety of the rejection. Furthermore, it is respectfully affirmatively submitted that claim 9 of US Patent No. 7,474,102 is patentably distinct over claims 1 and 11 of the presently-pending application. For example, claim 9 of US Patent No. 7,474,102 is patentably narrower than claims 1 and 11 of the pending application in at least some respects.

### **CONCLUSION**

It is respectfully submitted that this reply is fully responsive to all outstanding issues and places this application in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER LAW GROUP LLP

/ASH/  
Alan S. Hodes  
Reg. No. 38,185

P.O. Box 1687  
Cupertino, CA 95015-1687  
408-255-8001